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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,364	07/27/2006	Matthieu Borel	4590-550	6680
33308 7590 05/30/2008 LOWE HAUPTMAN & BERNER, LLP 1700 DIAGONAL ROAD, SUITE 300 ALEXANDRIA, VA 22314				
EXAMINER NGUYEN, HUNG T				
ART UNIT 2612		PAPER NUMBER		
MAIL DATE 05/30/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/587,364

**Applicant(s)**

BOREL ET AL.

**Examiner**

HUNG T. NGUYEN

**Art Unit**

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-893)
- Paper No(s)/Mail Date 7/27/06

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 6-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Pennarola (WO 2004/008415).

Regarding claims 6-7, Pennarola discloses a monitor system / avionic is installed in the airplane to detect abnormal data / potentially dangerous events occur / alarm / alert signals by sensors from the airplane and transmits the alarm / alert signals to nearest ground station by automatically in a real time [ page 1, lines 4-9 and lines 24-29, page 3, lines 7-9 ] comprising:

- to detect abnormal data / potentially dangerous events occur / alert signals from the airplane by sensors and transmits to the nearest ground station by automatically in a real time [ page 1, lines 4-9, lines 24-29 and page 6, lines 1-10 ];
- alert signals having shaping / images / displays condition of the airplane navigation data to the nearest ground station as collision, position, hijacking condition [ figs.1-2, page 3, lines 7-9, page 6, line 23 to page 7, line 11 ].

Regarding claims 8-9, Pennarola discloses a monitor system / avionic is installed in the airplane to detect abnormal data / potentially dangerous events occur / alarm / alert signals from the airplane and transmits the alarm / alert signals to nearest ground station by automatically in a real time [ page 1, lines 4-9 and lines 24-29, page 3, lines 7-9 ] comprising:

- the monitor having a memory for storing flight paths data / set pre-set limit / altitude / fight level [ page 3, lines 17-29];
- the monitor / avionic system having a controller unit / CPU and transceiving signals to and from or exchange with the ground station is inherently, the nearest ground station may receive all the necessary information from the aircraft includes routes data & images [ page 3, lines 17-29 ].

Regarding claims 10-11, Pennarola discloses the monitor system / avionic is installed in the airplane to detect abnormal data / potentially dangerous events occur / alarm / alert signals by the sensors from the airplane and transmits the alarm / alert signals to the nearest ground station by automatically in a real time [ page 1, lines 4-9 and lines 24-29, page 3, lines 7-9 ]

- the monitor having a memory for storing flight paths data / set pre-set limit / altitude / fight level [ page 3, lines 17-29 ].

### **Conclusion**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Corwin et al. (U.S. 4,675,675).
- Mahon (U.S. 5,933,099).
- Monroe (U.S. 6,246,320).
- Griffith et al. (6,681,158).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (571) 272-2982. The examiner can normally be reached on Monday to Friday from 9:00 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wu, Daniel can be reached on (571) 272-2964.

The fax phone number for this Group is (571) 273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Customer Service Representative telephone number (571) 272-1000.

/HUNG T. NGUYEN/

Primary Examiner, Art Unit 2612

Date: May 23, 2008

